

**CITY OF MORGAN HILL  
JOINT SPECIAL CITY COUNCIL  
AND SPECIAL PLANNING COMMISSION MEETING  
MINUTES – MARCH 5, 2003**

**CALL TO ORDER**

Mayor Kennedy and Chairman Azevedo called the special meeting to order at 7:05 p.m.

**ROLL CALL ATTENDANCE**

City Council

Present: Council Members Carr, Chang, Sellers and Mayor Kennedy

Absent: Council Member Tate.

Planning Commission

Present: Commissioners Acevedo, Benich, Engles, Escobar, Lyle, Mueller,

Absent: Commissioner Weston

**DECLARATION OF POSTING OF AGENDA**

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

At the invitation of Mayor Kennedy, Planning Commission Chairman Acevedo led the Pledge of Allegiance.

**PUBLIC COMMENT**

Mayor Kennedy opened the floor to comment for items not appearing on this evening's agenda. Dave Vaughn informed the City Council and Planning Commission that he is the new general manager for South Valley Disposal and Recycling (SVDR) and that he looks forward in working with the City of Morgan Hill and all the cities which SVDR serves. No further comments were offered.

***City Council Action***

**PUBLIC HEARING:**

**1. REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE INSTITUTE  
GOLF COURSE AND MATHEMATICS CONFERENCE CENTER**

Project Manager Rowe presented the staff report. He explained and summarized the content of the EIR. He recommended that the applicant be allowed to summarize the project, answer questions regarding the project and receive comments from the City Council and Planning Commission. He indicated that staff

was not seeking action this evening regarding the adequacy of the EIR as this will occur when the final report returns to the Council. He informed the Council and Planning Commission that the draft EIR has been circulated for a 45-day public review period that began on January 24, 2003 and will end on March 10, 2003. He stated that copies of the report have been provided to the local library, city hall and to anyone requested in the document. The document has also been sent to the State Clearinghouse and has been circulated to the responsible state agencies. He informed the Council and Planning Commission that thus far, only one comment letter has been received from the County Roads and Airport Department, noting that there were no specific comments regarding the adequacy of the EIR in the comments. He recommended that the Planning Commission and Council Members provide comments it may have regarding the draft EIR. He indicated that the EIR consultants Michelle Yesney and Demetri Loukas, David Powers and Associates, were present this evening. He informed the Council and Planning Commission that Steve Sorensen, American Institute of Mathematics, and Randall Long, RCL Ecology, were present to provide comments on the project.

Steve Sorensen, representing the applicant, indicated that he has applied for a PUD for the site. He stated that multiple uses are proposed for a single purpose; the advancement of mathematics. He stated that the focal point of this project is the American Institute of Mathematics (AIM) Conference Center. He indicated that AIM is an independent, non profit company and has been granted a 501c3 status by the Internal Revenue Service. It has an independent board of trustees that guides the corporation/research and was founded on the premise that mathematics is the universal tool of science. He informed the Council and Planning Commission that this is the only mathematics conference center in the United States, and would include a golf course. He stated that the goal of this project is to create an academic campus environment similar to universities in the area.

Mr. Long indicated that he coordinated studies that addressed issues raised by staff. He said that the City's sub consultants came up with two reports: 1) water and 2) wildlife and vegetation. Due to the limited information, the consultant put forth a worse case analysis. This resulted in restrictive mitigations that, in the applicant's view, would necessitate drastic changes to the golf course and would result in a "no project" alternative. He noted that the golf course has already been built. Therefore, to go back and incorporate large buffers would cause a lot of grading and soil erosion potentials besides impacting the habitat for species that were already occurring on the property and still are (e.g., red legged frog, tiger salamander, western pond turtle). He noted that the report presented an option to the applicant to perform comprehensive studies and to seek other information. He indicated that comprehensive studies have been completed and that the information has been forwarded to the City and the consultant to use in the final document. He stated that the assumptions made by the City's sub consultants were misconceived. While some mitigations may still be needed, he felt that some have been accomplished, and in other cases, mitigations were not needed. He said that the applicant is putting forth mitigations and a long term research and monitoring study for the wildlife to make sure that they are taken care long term. It was his opinion that all impacts would be reduced to less than significant.

Mr. Long addressed the ground water issue, stating that an assumption was made that pumping for irrigation would impact neighboring wells. He stated that the study results show that there were no discernable downward trends in the aquifer after five years of pumping at the golf course. Another water assumption was that the golf course fertilization would increase nitrates in ground water while the

study showed that there was no increase in ground water nitrate concentration. Regarding surface water, it was an assumption that golf course construction resulted in higher flood potential. He stated that the study results show that the golf course grading and lake construction resulted in the ability of Corralitos Creek to carry all model storm events, including the 100-year flood flow without “over bank” or “over road” flooding. In addition, the large lakes detain a meter flow to reduce peak flows coming off the property or to the drainage system to reduce flooding potentials. Another assumption made was the run off of pesticides and herbicides into Corralitos Creek and on site lakes that would cause downstream pollutions. He said that the study results and the water samples showed that no herbicides or pesticides were found in the creek or lakes nor was there an increase in nitrate concentration in the lake water. Under special status species, an assumption was made that breeding and summer habitat for the red legged frog, the tiger salamander and the western pond turtle were eliminated by golf course construction. He said that the study results show that due to previously occurring land uses, it has left little land habitat for these species. The results of the study shows that the habitat planted can be used as summer habitat for these species as well as the large lakes for breeding. All together, it has been stated that there is better habitat now than there was previously caused by disturbance of the property.

Commissioner Lyle inquired whether the applicant would stop fertilizing and using herbicides when the golf course is not in use, noting that it has been indicated that the golf course is open 5.5 months of the year.

Mr. Long responded that liquid fertilizer is applied during the winter months that would be readily absorbed and would not run off. Granular fertilizer is used in the summer months and applied mainly in the growing season.

Commissioner Lyle noted that it was indicated that 36 rounds of golf would be played. He inquired whether the applicant would have a reporting mechanism that would indicate that the golf course is open 5.5 months in the year and that only 36 rounds of golf is being played (city enforcement).

Mr. Sorensen stated that it is a policy to have the golf course operating approximately six months of the year and that there is an established policy that no more than 36 rounds of golf is to be played per day. He said that this is enforced by another policy that stipulates that in order to play the course; the golfer needs to use one of the caddies provided, noting that AIM does not have enough caddies to support more than 36 rounds of golf. At this time, he does not have a reporting mechanism in place to present to the City that identifies the number of rounds of golf being played.

Mr. Lyle referred to page 51 and 57 of the study; hydrology and water quality. The study states that some of the information was being provided while the EIR was being prepared and that until the City has reviewed the EIR, the assumption is that things are unmitigated. He inquired whether the City has completed its review of the assumptions contained in the EIR.

Planning Manager Rowe responded that staff will have completed its review of the assumptions by the time the EIR comes before the Planning Commission.

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Commissioner Escobar noted that it was indicated that AIM has a board of trustees and inquired as to the number of individuals who serve on the board? He noted that it was indicated that AIM has been in business for seven years as a non profit and has received several grants. He inquired as to the total amount of grants received.

Mr. Sorensen responded that there are five individuals who currently serve on the Board of Trustees: Jerry Alexanderson, Chairman of the Department of Mathematics at the University of Santa Clara; Gunner Carlson, Stanford University; Harry Salve, former founder and chairman of a local electronics firm; John Fry, founder of a local electronic retail business; and himself.

Brian Connolly, AIM, informed the Council and Planning Commission that the grants have ranged in size from \$5,000 to \$5 million for a total of \$6 to \$7 million.

Commissioner Escobar inquired whether the study distinguished between off and on season in terms of the findings contained in the study. He inquired whether seasons would result in the use of more fertilizer/maintenance, and whether this was considered in the study.

Mr. Long responded that there is a scientific process that analysis tissue samples in the grass and soil content of the fertilizer. Results dictate how to proceed or not to proceed with fertilization. He did not believe that this would impact the number of golf games played.

Mr. Sorensen indicated that AIM uses extensive laboratory work on the grass and soil in order to analysis what nutrients it needs. Also, sampled is the water to determine what nutrients it contains, indicating that only enough nutrients would be applied to the plants that it can absorb. Therefore, there is no risk of having the fertilizer percolate through the soil or aquifer. He informed the Council and the Commission that the AIM golf course is located on Foothill Avenue and that AIM is a separate company that operates out of Palo Alto at this time.

Commissioner Mueller noted that the EIR refers to the fact that AIM continues to build in wetland. He inquired whether this is still taking place.

Mr. Long stated that when the original consultants visited the site, they saw some damp areas and wet indicator plants that would key them to believe that a portion of the site was a seasonal wetland. He said that what has taken place is that grass plugs are pulled out every year and were being dumped in this area, making the area appear to be soggy and wet. There was also a leaky pipe attributed to the pump underneath this area and therefore, this area was becoming saturated. Since that time, the leak and pump have been fixed and that the area has been reverted to dry land.

Mayor Kennedy opened the floor to public comment.

Keith Anderson, Environmental Advocate for South Valley Streams for Tomorrow, said that it was his understanding from the posted and published public notice that the public comment period extends through March 14 and not March 10 as stated in the staff report. He requested that the review period be corrected. He said that the draft EIR states that the project proponent may submit alternative mitigation

measures for various identified environmental impacts. However, he noted that these potential measures have not yet been reviewed by the City. Therefore, such potential alternative measures have not been assessed to determine if they will provide mitigations equivalent to those identified/contained in the draft EIR. He said that if alternative measures are proposed by the project proponent, accepted by the City and substituted for mitigations currently recommended in the draft EIR, he requested that the City recirculate the revised portion of the draft EIR for public review and comment. He stated that the full disclosure mandate of the California Environmental Quality Act (CEQA) requires that such substitute measures be made available to the public prior to certification of the EIR in order to assess their adequacy and effectiveness in mitigating impacts and to determine if the proposed mitigation measures themselves may cause adverse environmental affects. It was his opinion that failure to provide full opportunity for public review and comment on substitute mitigation measures would be contrary to CEQA and constitute an error in the environmental assessment process and eventually, a deficiency in the final EIR. He said that the remainder of his comments will be put in a letter to be submitted to the City.

Lori Mains, parent, stated that Dr. Conroy has been involved in her son's school with a program entitled "Math Counts." She indicated that Dr. Conroy took a group of sixth, seventh and eighth graders to a local competition. She felt that the community needs to be cognizant of the benefit to Morgan Hill to have mathematicians in the community and interacting with school children, providing them with a positive benefit.

Mr. Sorensen addressed the issue that was raised about the alternative mitigation and its availability to the public. He indicated that the applicant has submitted its comments on the draft EIR to the City. These comments include alternative mitigations that are being proposed for the red legged frog. Therefore, alternative mitigations are available at the counter to anyone who wants to read them.

No further comments were offered.

Planning Manager Rowe informed the City Council and Planning Commission that the City would accept comments on the draft EIR until March 14, 2003.

### **ADJOURNMENT**

There being no further business Mayor Kennedy and Chairman Azevado adjourned the special meeting at 8:05 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK**